82-1729

Office-Supreme Court, U.S.
FILED
MAR 15 1983
ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1982

Misc. No. _____

MARJORIE ANN MILLER,
Appellant

vs.

[PEOPLE OF THE STATE OF
CALIFORNIA,
Real Party in Interest],
Appellee

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
APPELLATE DEPARTMENT

JURISDICTIONAL STATEMENT

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465 East Union Street
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In Association With
CONRAD LEE KLEIN, ESQUIRE
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Supreme Court Bar
14003 Ventura Boulevard
Sherman Oaks, California
91423
Counsel for Appellant

Dated: March 15, 1983

QUESTION PRESENTED

Whether the acquisition of Pasadena city utility records, without the use of a search warrant, in order to enforce Section 14.16.120 of the Pasadena Municipal Code, was an illegal search and seizure in violation of the Fourth Amendment of the Constitution of the United States, there being no exceptions to the use of a warrant in the present case.

IN THE

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Judgment and Opinion of the Appellate Department of the Los Angeles County Superior Court Upholding Guilty Judgment dated August 19, 1982

Petition for Rehearing by Appellate Department of the Los Angeles County Superior Court or in the Alternative Certification to California Court of Appeal Denied September 17, 1982

Petition for Writ of Mandate to Court of Appeal, State of California 2nd Appellate District, Division 4, Denied October 26, 1982

Petition for Writ of Mandate to Supreme Court of the State of California Denied December 15, 1982

Notice of Appeal to United States Supreme Court Filed in the Los Angeles Superior Court, Appellate Department February 14, 1983

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1982

Misc. No. _____

MARJORIE ANN MILLER,
Appellant

vs.

[PEOPLE OF THE STATE OF
CALIFORNIA,
Real Party in Interest],
Appellee

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
APPELLATE DEPARTMENT

JURISDICTIONAL STATEMENT

MARJORIE ANN MILLER, the appellant, appeals from the final judgment of the Appellate Department of the Los Angeles County Superior Court, dated August 19,

1982, holding that the use of Pasadena city utility information by the city of Pasadena, without prior acquisition of a warrant, to seek out violators of section 14.16.120 of the Pasadena Municipal Code, is an unlawful search and seizure in violation of the Fourth Amendment of the Constitution of the United States.

OPINIONS BELOW

The opinion of the Appellate Department of the Los Angeles County Superior Court, dated August 19, 1982, is not reported. It is reprinted in the appendix hereto.

JURISDICTION

The judgment of the Appellate Department of the Los Angeles County Superior Court upholding the guilty verdict of the appellant in the Los Angeles County Municipal Court, Pasadena Judicial District, for violation of

Section 14.16.120, was entered on August 19, 1982. A petiton for rehearing by the Appellate Department of the Los Angeles County Superior Court, or in the alternative certification to the California Court of Appeal was denied on September 17, 1982. A petition for writ of mandate to the Court of Appeal of the State of California, Second Appellate District, Division Four, was denied on October 26, 1982. A petition for writ of mandate to the Supreme Court of the State of California was denied on December 16, 1982.

A notice of appeal to this Court was duly filed in the Appellate Department of the Los Angeles County Superior Court on February 14, 1983.

This appeal is being docketed in this Court within 90 days from the denial of writ of mandate below. The jurisdiction of this Court is invoked under 28 U.S.C.

§1257(2).

QUESTION PRESENTED

Whether the acquisition of Pasadena city utility records, without the use of a search warrant, in order to enforce Section 14.16.120 of the Pasadena Municipal Code, was an illegal search and seizure in violation of the Fourth Amendment of the Constitution of the United States, there being no exceptions to the use of a warrant in the present case.

CONSTITUTIONAL PROVISIONS AND RULES

Fourth Amendment, United States Constitution:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Section 14.16.120, Pasadena Municipal Code:

"No person shall permit a vacant unit to be occupied prior to the issuance of a certificate of occupancy, periodic certificate of occupancy or temporary certificate of occupancy."

Section 14.16.150, Pasadena Municipal Code:

"Any person who violates any provision of Section 14.16.120 of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500.00, or by imprisonment in jail for a period not exceeding six (6) months, or by both such fine and imprisonment."

Section 1538.5(a)(1), California Penal Code:

A defendant may move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure on . . . the following grounds: (1) the search or seizure without a warrant was unreasonable."

RAISING THE FEDERAL QUESTION

Prior to the present case even going to trial appellant raised the issue of the constitutionality of the search and seizure of her utility records by bringing

a motion under Section 1538.5 of the California Penal Code to suppress the evidence found in the records. As the opinion of the Appellate Department of the Los Angeles Superior Court indicated, "the trial court denied defendant's pretrial motion to suppress information provided by Pasadena's utility company as to the turning on of electricity at defendant's house."

This Fourth Amendment claim was reiterated by appellant before the Appellate Department of the Los Angeles County Superior Court. In their opinion, the Appellate Department makes no reference to the federal questions raised in appellant's briefs, but after discussing the issue, affirmed the lower court ruling. It thus considered and expressly rejected this federal constitutional claim.

STATEMENT OF THE CASE

The appellant, MARJORIE ANN MILLER, while not residing in the City of Pasadena, owns a home there which she rents. The City of Pasadena requires, in Section 14.16.120 of the Municipal Code, that all rental units be issued a certificate of occupancy before being rented.

The method used by the City of Pasadena to determine that new occupants reside in a rental unit is by a daily inspection of a "turn-on" list supplied by the city-owned utility company.

Using such information obtained without a search warrant to determine that the premises owned by appellant no longer listed her as the utility user, the City of Pasadena, on July 30, 1981 filed a complaint for violation of Section 14.16.120 of the Pasadena

Municipal Code.

On October 29, 1981 a motion to suppress the above evidence under Section 1538.5 of the California Penal Code was heard and denied in the Los Angeles County Municipal Court, Pasadena Judicial District. A court trial followed the same day and appellant was found guilty. She was sentenced to one (1) year summary probation and given a fine of $50.00.

The judgment was appealed to the Appellate Department of the Los Angeles County Superior Court, where it was affirmed. The Appellate Department then denied a petition for rehearing or in the alternative certification to the Court of Appeal. The California Court of Appeal denied a petition for writ of mandate. And the California Supreme Court denied a petition for writ of mandate.

THE QUESTION IS SUBSTANTIAL

The question as to the Fourth Amendment implications of the growing use of lists and information, compiled by utility companies and others, and their accessibility to government agencies is a novel and substantial one. Further, the widening use of computers to compile and access this information will only make the likelihood of abuse that much greater.

Whether a government agency should have access to these records without a proper search warrant is a fundamental question arising out of this whole area. The present case is an excellent one for the Court to consider in addressing the question since the factual situation is so simple.

Two basic questions need to be answered in the instant case. Did the procuring of information from utility

records constitute a search? And, if so, was the search unreasonable without a valid search warrant?

The term "search," as used in the Fourth Amendment to the United States Constitution, has been defined as implying some exploratory investigation or an invasion and quest, a looking for and seeking out.

"What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. . . . But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected." Katz v. United States, 389 U.S. 347, 351-352, 19 L.Ed. 2d 576, 88 S. CT. 507 (1967)

So even though the records of the utility to appellant's private property happened, in this case, to be in an area of limited access to the public, the

records should be constitutionally protected. The expectation the records would not be released to entities unconnected with the utility, and the intent to preserve those records as private is critical.

The City of Pasadena claims that there is no search because the utility company and the City Prosecutor are all part of the same entity. This is certainly a fortuitous situation for the City!

A municipal utility is not traditionally a governmental function in its sovereign capacity. Some cities have municipal utilities, others do not. Access to utility records of private property in governmental positions unrelated to the functioning of the utility services should not turn on such an arbitrary distinction.

Certainly, an exploratory investigation has been made, a looking for

and a seeking out of utility records in this case. Appellant asserts that one has a reasonable expectation of privacy. Just because one part of the government controls private information about an individual, it should not be freely and routinely accessible to all other parts of the same government.

As to the second question, "this Court has already held that warrantless searches are generally unreasonable . . . . In Camara v. Municipal Court, [387 U.S. 523] at 428-429, we held: 'Except in certain carefully defined classes of cases, a search of private property, without proper consent is 'unreasonable' unless it has been authorized by a valid search warrant.'" Marshall v. Barlow's, Inc., 436 U.S. 397, 312, 98 Sup. Ct. 1816, 56 L.Ed. 2d 305 (1978).

"Searches conducted outside the

judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment . . . subject only to a few specifically established and well-delineated exceptions." Katz v. United States, supra, at p. 357 (1967).

One of the few absolutes of our law is the requirement that, absent the pressure of one of a few "jealously and carefully drawn" exceptions, Jones v. United States, 357 U.S. 493, 499 (1958), a warrant be obtained prior to any search. United States v. Watson, 423 U.S. 411 (1975).

The cases cited clearly require a warrant in all but a few exceptions. The exceptions include an emergency where law enforcement officers do not have time to secure a search warrant, a search incident to a lawful arrest, inspections of a "previously regulated business," United

States v. Biswell, 406 U.S. 311, 316 (1972) and a "closely regulated" industry "long subject to close supervision and inspection." Colonnade Catering Corp. v. United States, 398 U.S. 72, 74, 77 (1970).

There was absolutely no emergency involved in the case at hand. There was abundant time to obtain a warrant to inspect utility records. Not even the slightest effort to obtain a warrant was made. There wasn't any probable cause for the City of Pasadena to seek one out. The rental industry is not previously regulated, nor long subject ot close supervision or inspection. These industries are limited by case law to liquor, firearms, etc. In short, no exception exists here. The general requirement of a warrant applies in this case, and it was flagrantly violated.

These Fourth Amendment rights were not thought up on the spur of the moment.

"Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists. The hated writs of assistance had given customs officials blanket authority to search where they pleased for goods imported in violation of the British tax laws. They were denounced by James Otis as 'the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was founded in an English law book,' because they placed 'the liberty of every man in the hands of every petty officer.' Stanford v. Texas, 379 U.S. 476, 481 (1964).

While the framers of the Constitution were thinking of residences when they considered search and seizure, this has now been extended to cover commercial premises such as rental property as well.

"In Go-Bart Importing Co. v. United States, 383 U.S. 344; Amos v. United States, 355 U.S. 313; and Silverthorne Lumber Co. v. United States 251 U.S. 385, this Court refused to uphold otherwise unreasonable criminal investigative searches merely because commercial rather than residential premises were the object of the police intrusions. Likewise, we see no justification for so relaxing Fourth Amendment safeguards where the official inspection is intended to aid enforcement of laws prescribing minimum physical standards for commercial premises. As we explained in Camara, a search of private houses is presumptively unreasonable if conducted without a warrant. The businessman, like the occupant of a residence, has a constitutional right to go about his business free from unreasonable official entries upon his private commercial

property." See v. City of Seattle, 387 U.S. 541, 543 (1967).

Despite the numerous cases mentioned above, the City of Pasadena has formulated a policy which daily invades those rights of privacy that the framers of the Constituion so vehemently tried to preserve.

CONCLUSION

The type of search and seizure involved in the present case will only increase in the years to come, with the greater accessibility to private records through advanced technology. This case has a simple and clear-cut factual setting, from which concise and definitive rules could be delineated to guide the nation's trial judges. For these reasons, it is respectfully

requested that this Court should note probable jurisdiction of this appeal.

Respectfully submitted,

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WAYNE REDMOND, ESQUIRE
465 East Union St., #202
Pasadena, California
91101

BY _____
FRANK D. RUBIN, Attorneys for Appellant, MARJORIE ANN MILLER

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Sherman Oaks, California
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_____
CONRAD LEE KLEIN,
Attorney for Appellant,
MARJORIE ANN MILLER

Counsel for Appellant

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

14003 Ventura Boulevard
Sherman Oaks, California 91423

On April 20, 1983, I served the within Jurisdictional Statement on the United States Supreme Court, the Pasadena City Prosecutor and Judge Samuel L. Laidig the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Encino, California addressed as follows:

Pasadena City Prosecutor
142 N. Arroyo Parkway
Pasadena, California 91103

United States Supreme Court
One First Street North East
Washington, D.C. 20543

Samuel L. Laidig, Judge
Pasadena Municipal Court
200 N. Garfield Avenue
Pasadena, California 91101

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on April 20, 1983 at Sherman Oaks, California.

Conrad Lee Klein

CONRAD LEE KLEIN

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On April 20, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared CONRAD LEE KLEIN, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

[SEAL] Frank David Rubin

FRANK DAVID RUBIN
Notary Public of the State of California, County of Los Angeles

OFFICIAL SEAL
FRANK DAVID RUBIN
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires AUG 27, 1985

FILED
AUG 19 1982
JOHN J. CORCORAN, COUNTY CLERK
BY A. B. HARDEY, DEPUTY

APPELLATE DEPARTMENT OF THE SUPERIOR COURT

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, vs. MARJORIE ANN MILLER, Defendant and Appellant.	Superior Court No. CR A 19604 Municipal Court of the Pasadena Judicial District No. M 4135 OPINION AND JUDGMENT

Appeal by defendant from Judgment of the Municipal Court, Samuel L. Laidig, Judge.

JUDGMENT AFFIRMED.

For Appellant - Frank D. Rubin
Rubin and Redmond

For Respondent - Michael R. Murnane, City Prosecutor
City of Pasadena
Courtland Crabtree

-oOo-

Defendant Marjorie Ann Miller appeals from the judgment of conviction rendered on October 29, 1981 for violating section 14.16.120 of the Pasadena Municipal Code (permitting a vacant dwelling to be occupied without first obtaining a

certificate of occupancy from the City of Pasadena). The trial court denied defendant's pretrial motion to suppress information provided by Pasadena's utility company as to the turning on of electricity at defendant's house. After court trial, the defendant was found guilty.

David L. Edwards, inspection supervisor and supervisor of Clerk Operations for Pasadena's Building Department, Housing Code Enforcement, Occupancy Division, testified that without a search warrant his department is periodically supplied with a "turn-on list" by Pasadena Municipal Services which is operated by Pasadena. A "turn-on list" revealed that on February 18, 1981 Anicia O. Kahn had requested the lights to be turned on at 170 South Oak Street and had transferred her utility bill to that location from her previous residence. Edwards then determined from his department's records that "six months prior to February '81 to the present" no application for an Occupancy Certificate had been made. On March 4, 1981 Edwards mailed a notice to defendant at 14561 Newland, Midway, California. Defendant was listed as the owner of the property by the Water Department and the "turn-on list." The notice advised defendant that an "Occupancy Certificate and inspection would be required" as to the South Oak property. Two follow-up notices were also mailed to defendant. When no response was received, on July 30, 1981 Edwards filed a complaint.

Defendant testified she rented the house to Kahn in February 18, 1981. She had received the notice of a need for an Occupancy Certificate and had not applied for a

certificate during the last year. For many years defendant had been aware that information as to the turning off and on of electricity at her house was given by the utility company to the city's department which enforces the housing code. On a prior occasion defendant had received the same notice requiring an Occupancy Certificate, but at that time there had been no change of occupancy since defendant had only put the utilities in somebody else's name.

Defendant first contends the use of the "turn-on list" to determine whether there was a change in occupancy at defendant's house was an illegal search of private records. This contention is without merit.

Defendant relies on cases holding one has a constitutional privacy protection in certain records where such records would reveal a "virtual current biography" of one's life. Burrows v. Superior Court (1974) 13 Cal.3d 238, 247; People v. McKunes (1975) 51 Cal.App.3d 487, 492; People v. Blair (1979) 25 Cal.3d 640, 652. The warrantless search of bank records which "reveals many aspects of [one's] personal affairs, opinions, habits and associations" was held invalid. Burrows, supra. Similarly, the warrantless search of "the calls [a person] makes and receives, and the day and time of those calls" was held invalid since this information may "provide a virtual current biography." McKunes, supra. Nor is the warrantless search of a record of charges made by a credit cardholder valid since the record reveals intimate information as to the cardholder's "habits, . . . opinions, . . . tastes, and political views, as well

as his movements and financial affairs." Blair, supra.

In contrast, the disclosure as to when electricity is turned on at a residence does not provide a "virtual current biography" of the owner of the property or the tenant. The instant case is more analogous to the case of People v. Elder (1976) 63 Cal.App.3d 731, 738 where a warrantless search of telephone and gas records revealed a name, address and phone number. The search was upheld since the information did not reveal the "current biography of the affairs" of a person.

Defendant next contends "a certificate or license to engage in the business of renting an apartment in Pasadena cannot be automatically revoked absent the procedural due process requirements of prior notice and hearing."

The purpose of the ordinance is to provide "an on-going check on the observance of the city's zoning, health and housing ordinances, in a manner involving a minimal invasion of privacy." Currier v. City of Pasadena (1975) 48 Cal.App.3d 810, 817. The ordinance "deals with property that is vacant or about to become vacant; it imposes . . . no onerous requirements for securing a certificate of occupancy . . . . " Gruzen v. Henry (1978) 84 Cal.App.3d 515, 517.

Once an owner of a dwelling obtains an Occupancy Certificate, the certificate becomes void under the following conditions:

"The certificate of occupancy shall be void upon either a change in use of the unit, or a vacation of the

premises by the occupant occurring more than 12 months after the issuance of the certificate of occupancy." Section 14.16.060A of the Pasadena Municipal Code. There is no evidence in the record that defendant ever had an Occupancy Certificate which had been voided under section 14.16.060. Defendant was instead charged and found guilty of violating section 14.16.120 which states:

> "No person shall permit a vacant unit to be occupied prior to the issuance of a certificate of occupancy . . . . "

The constitutionality of the ordinance's provisions for voiding an Occupancy Certificate is not at issue absent a showing that defendant had an Occupancy Certificate which was voided once the house became vacant.

In defendant's Reply Brief, she further argues that "the right to engage in . . . [the] business [of] . . . renting property . . . cannot be arbitrarily abridged by state action" whereby an owner of a dwelling has the right to notice and hearing prior to being denied the right to rent or occupy the dwelling. The instant ordinance does not attempt to license one's right to engage in the business of renting property. Other sections of the Pasadena Municipal Code (5.10.010; 5.08.140) set out provisions for obtaining a business license in order to engage in the rental business. The Occupancy Ordinance instead provides a means to assure compliance with the city's zoning, health and housing

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ordinances. Currier, supra, 48 Cal.App.3d at 817. Thus, the authorities cited by defendant concerning the right to engage in a profession are inapplicable.

The judgment is affirmed.

Acting Presiding Judge

We concur.

Judge

Judge

til

FILED

SEP 17 1982

JOHN J. CORCORAN, [illegible] CLERK

BY Y. S. KIMBROUGH

APPELLATE DEPARTMENT OF THE SUPERIOR COURT

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA) Plaintiff and Respondent, vs. MARJORIE ANN MILLER, Defendant and Appellant.	Superior Court No. CR A 19604 Municipal Court of the Pasadena Judicial District No. M4135 ORDER DENYING REHEARING AND DENYING CERTIFICATION

THE COURT*

The petition of defendant for a rehearing after judgment of this court on appeal or, in the alternative, certification of cause to the Court of Appeal in the above-entitled case, having been filed and having been duly considered,

Said petition is hereby denied.

*Before Foster, Acting P.J., and Rothman, J.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

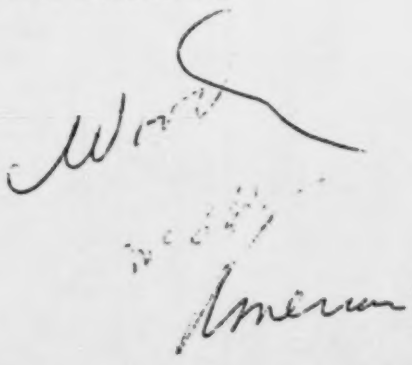
SECOND APPELLATE DISTRICT

DIVISION FOUR

MARJORIE ANN MILLER, Petitioner, v. THE MUNICIPAL COURT OF THE COUNTY OF LOS ANGELES, Respondent, THE PEOPLE, Real Party in Interest.	2d Civ. No. 66704 (Pasadena Dist. Muni. Ct. No. M 4135) (L.A. Super. Ct. No. CR 19604) (Foster, A. P.J., Jones, J., Rothburn, J.) O R D E R

THE COURT:*

The petition for writ of mandate filed October 21, 1982, has been considered and is denied. (Adams v. Municipal Court, 8 Cal. App. 3d 569, 572.)



* WOODS, P.J., McCLOSKY, J., AMERIAN, J.

ORDER DENYING ALTERNATIVE WRIT

L. A. No. 31665

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

SUPREME COURT
FILED
DEC 15 1982
LAURENCE P. GILL, Clerk
Deputy

MARJORIE ANN MILLER, Petitioner,

v.

THE MUNICIPAL COURT FOR THE COUNTY OF LOS ANGELES, PASADENA JUDICIAL DISTRICT, Respondent;

PEOPLE, Real Party in Interest.

Petition for writ of mandamus DENIED.

Bird
Chief Justice

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Attorneys for Appellant

IN THE ~~SUPREME~~ SUPERIOR COURT OF THE

STATE OF CALIFORNIA

MARJORIE ANN MILLER, Appellant, vs. THE STATE OF CALIFORNIA	NO. CRA 19604

NOTICE OF APPEAL TO THE SUPREME COURT

OF THE UNITED STATES

Notice is hereby given that MARJORIE ANN MILLER, the appellant above-named, hereby appeals to the Supreme Court of the United States from the final order of the Appellate Department of the Los Angeles County Superior Court, affirming the judgment of conviction, entered herein on October 29, 1981.

This appeal is taken pursuant to 28 U.S.C. §1257(1) [or (2)].

RUBIN AND REDMOND

BY _____
FRANK D. RUBIN, Attorneys for
Appellant, MARJORIE ANN MILLER

VERIFICATION BY PARTY (446, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am the _____

_____

in the above entitled action or proceeding; I have read the foregoing _____

_____

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

_____

_____

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ *(date)* *at* _____ *(place)*, *California*

_____
Signature

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

4838 Petit Avenue, Encino, California 94136

On Feb. 11, *19* 83, *I served the within* Notice of Appeal to the Supreme Court of the United States

on the Interested parties *in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at* Encino, California *addressed as follows:*

Pasadena City Prosecutor
142 N. Arroyo Parkway
Pasadena, CA 91103

Samuel L. Laidig, Judge
Pasadena Municipal Court
200 N. Garfield Avenue
Pasadena, CA 91101

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on Feb. 11, 1983 *(date)* *at* Encino *(place)*, *California*

Judy Capin
Signature

JUDY CAPIN